

REMARKS

By this Amendment, claims 1-56 are amended merely to clarify the recited subject matter and a new Abstract is submitted on a separate sheet of paper (as required by the Office Action). Claims 1-56 are pending.

The Office Action objected to claims 26-50 and 53 for certain noted formalities. Claims 26 and 53 have been amended to remove the objectionable material.

The Office Action rejected claims 1-46 under 35 U.S.C. 112, second paragraph, for allegedly being indefinite. Claims 1, 2, 7, 8, 10, 20, 22, 26, 27, 32, 33, 35, 47, 51 and 52 have been amended to overcome this rejection.

The Office Action rejected claims 1-15, 17-40 and 42-46 under 35 U.S.C. §103 as being unpatentable in view of Allpress et al. (US 5,920,552; hereafter “Allpress”) or Sato (US 6,130,884) in view of Stewart et al. (US 6,009,091; hereafter “Stewart”). Claims 16 and 41 have been rejected under 35 U.S.C. §103 based on Allpress or Sato in view of Stewart and Ovesjo (US 6,542,484).

Applicants traverse all of the rejections because neither Allpress nor Sato in combination with either or both of Stewart or Ovesjo teach or suggest all the features recited in the rejected claims. For example, the combined teachings of the cited prior art fail to teach or suggest a method for transmitting data from a radio network subsystem to user equipment in a mobile telephone system, the method wherein **“each control channel frame indicates the spreading code with which a corresponding traffic channel frame is spread when transmitted”**, as recited in independent claim 1 and its dependent claims. Similarly, the combined teachings of the cited prior art fail to teach or suggest a radio network subsystem **“adapted to indicate in each control channel frame the spreading code with which a corresponding traffic channel frame is spread when transmitted”**, as recited in independent claim 26 and its dependent claims. Further, the combined teachings of the cited prior art fail to teach or suggest user equipment which is **“adapted to read from each control channel frame the spreading code with which a corresponding traffic channel frame is spread”**, as recited in independent claim 51 and its dependent claims.

The Office Action recognized that neither Allpress nor Sato disclose a method or system wherein each control channel frame indicates the spreading code with which the corresponding traffic channel frame is spread when transmitted. However, the Office Action asserted that a control channel frame indicating the spreading with which the corresponding traffic channel frame is spread when transmitted was well known in the art. Applicants

presume that this statement in the Office Action amounts to the Office attempting to take Official Notice of that alleged fact. To support that statement of Official Notice, the Examiner referred to Stewart as allegedly disclosing a system or method wherein each control channel frame indicates the spreading code with which the corresponding traffic channel frame is spread when transmitted.

However, the Office's analysis of Stewart is incorrect and its statement of Stewart's alleged teachings is inaccurate. The passages of Stewart cited by the Office Action (i.e., col. 1, lines 41-63, col. 3, lines 62-67 and col. 4, lines 38-51) merely describe a method and apparatus for mobile station location, utilizing, for example, Time Difference Of Arrival (TDOA) or TOA (Time Of Arrival) methods. Specifically, Stewart teaches that, in addition to a Dedicated Physical Data Channel (DPDCH) and a Dedicated Physical Control Channel (DPCCH), a Dedicated Physical Location Channel (DPLCH) is also sent. Accordingly, as illustrated in Figure 5 of Stewart, three different spreading codes may be used simultaneously, i.e., CD (corresponding to DPDCH), CC (corresponding to DPCCH) and CL (corresponding to CPLCH).

In fact, Stewart teaches that the spreading code of the DPLCH, CL, may be either built permanently into the mobile station (at the time of the manufacture) or may be assigned as part of a network signaling protocol executed before or during location estimation (see Stewart, col. 5, lines 53-62). However, there is nothing in the referenced passages of Stewart, or in Stewart as a whole, that discloses, teaches or suggests indicating, in each control channel frame, the CL code to be used for spreading a traffic channel frame that corresponds to that control channel frame. Thus, Stewart fails to remedy the deficiencies of both Allpress and Sato.

Ovesjo similarly fails to further remedy the cumulative deficiencies of Allpress, Sato and Stewart because Ovesjo merely discloses details of dealing with sub-code tree congestion. Therefore, Ovesjo provides no teaching or suggestion of a system or method wherein each control channel frame indicates with which spreading code a corresponding traffic channel is spread.

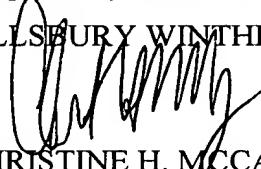
Therefore, the independent claims 1, 26 and 51 are patentable over the combined teachings of Allpress, Sato, Stewart and Ovesjo. All objections and rejections having been addressed, Applicants request immediate issuance of a Notice of Allowance allowing all pending claims. However, if anything is necessary to place the application in even better

condition for allowance, Applicants request that the Examiner phone their undersigned representative at the number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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